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## REMARKS

### Prior Art Rejections

The Applicant again thanks the Examiner for the telephone interview of July 16, 2003, in which the Torezon reference and the prior art rejections that relied upon that reference were discussed. As discussed during the interview, it is the Applicant's belief that the Torezon reference does not disclose all of the elements claimed by the Applicant. More specifically, Torezon does not disclose a void extending upwardly from said base member and between said first and second adjacent ends.

In addition, it is the Applicant's position that the recitation of "a void extending upwardly . . . and between said first and second adjacent ends" inherently requires that the first and second adjacent ends (as well as the first and second sidewall) also be extending to some degree in an upward direction from the base member. In other words, both the first and second sidewalls must be extending in the same direction from the base member for a void to be created between the ends of the sidewalls as claimed by the Applicant. Thus, as Torezon discloses a cutting tool guide (also known as a "speed square"), having sidewalls extending from a base member in opposing directions, the limitation of a void extending upwardly between the ends of the sidewalls is not disclosed by Torezon.

As the Applicant's claims contain elements not disclosed or taught by Torezon, the Applicant respectfully requests that the Examiner's anticipation and obviousness rejections under Torezon be withdrawn.

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**Felix (U.S. Patent No. 6,327,786)**

During the interview of July 16, 2003, the Examiner directed the Applicant's attention to Felix, which discloses an upwardly extending void between the ends of two sidewalls on a carpenters square. In response to anticipated arguments by the Examiner, the Applicant asserts that Felix does not disclose several elements specifically claimed by the Applicant. For example, Felix discloses an I-shaped cross section, which does not allow for unobstructed front edges as claimed by the Applicant.

**New Matter Objections and Rejections**

The Examiner has raised several objections with respect to the Applicant's amendments to the drawings and specification to include an angle of 22.5 degrees between the first and second legs of the base member, which the Examiner asserts constitutes new matter in the Application. In addition, the Examiner has rejected claim 8, claiming an angle of 22.5 degrees, as containing new matter. The Applicant respectfully disagrees with the Examiner's assertion that new matter has been presented in the application as such an assertion directly contradicts the Examiner's assertion at page 6 that "to choose a an angle of 22.5, 30, 45, or 60 degrees between the legs, absent any criticality, is only considered to be the 'optimum' value of the angle between the legs. . . that a person having ordinary skill in the art would have been able to determine using routine experimentation. . ." Given the Examiner's position that selection of alternative angles would have been obvious to a person having ordinary skill in the art, the Applicant does not understand how the Examiner can assert that the

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selection of an angle of 22.5 degrees between the legs is not supported by the Applicant's original disclosure. Thus, the Applicant respectfully requests that the Examiners objections and rejections regarding the angle of 22.5 degrees be withdrawn.

#### **Claim Objections**

The Examiner has objected to Claim 1, lines 4-5 has lacking proper antecedent basis, stating that it is unclear as to whether the front edge of the first and second legs is the same as the unobstructed front edge. The Applicant has amended Claim 1 to provide appropriate antecedent basis by clarifying the fact that the unobstructed front edge and the front edge both refer to the same elements.

#### **Indefiniteness Rejections**

The Examiner has rejected Claims 8-11 as being indefinite. More specifically, the Examiner has asserted that the limitations contained in Claims 8-11, which provide for angles other than 90 degrees, are unclear since Claim 1 requires that the angle be ninety degrees. Although the Applicant believes that Claims 8-11 are definite, in that they simply require the modification of the angle claimed in Claim one from 90 degrees to some other magnitude, the Applicant has modified Claim 1 to more definitely claim the Applicant's invention. Specifically, the Applicant has amended Claim 1 to eliminate the requirement that the angle be 90 degrees, and instead simply recites "an angle" between the first and second legs of the base member. As the Applicant believes that the recitation of a specific angle between the legs of the base member is not necessary

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to overcome the prior art, the limitation of a 90 degree angle has been claimed by the Applicant as newly added dependent Claim 12.

### Conclusion

As set forth above, the Applicant believes Torezon fails to disclose several elements specifically claimed in the instant applicant. Thus, the Applicant respectfully requests that the prior art rejections relying on that reference be withdrawn.

The claim amendments presented herein have been made simply in response to formal matters raised by the Examiner, and in no way affect the merits of the claims.

Reconsideration of the application as amended respectfully is requested. The foregoing amendment and remarks are believed to be responsive to every matter raised in the office action. However, if some matter has been overlooked, an opportunity to correct the oversight would be appreciated.

Respectfully submitted,



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